

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

ROBERT C. STAMEY,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. RULE-01-0030

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER OF THE BOARD

I. INTRODUCTION

1.1 Hearing. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair; GERALD L. MORGEN, Vice Chair; and RENÉ EWING, Member. The hearing was held at the Personnel Appeals Board hearing room in Olympia, Washington, on May 17, 2002.

1.2 Appearances. Appellant was present and represented himself *pro se*. Respondent Department of Corrections was represented by Art Haro, Human Resource Manager, and Anita Bingham, Human Resource Consultant.

1.3 Nature of Appeal. This is an appeal of an alleged violation of WAC 356-18-110(6) for Respondent's failure to approve Appellant's leave request.

1.4 Citations Discussed. WAC 358-30-170; WAC 356-18-110.

II. FINDINGS OF FACT

2.1 Appellant Robert Stamey is a Correctional Officer and permanent employee of Respondent Department of Corrections (DOC) at the Cedar Creek Corrections Center. Appellant and Respondent are subject to Chapters 41.06 and 41.64 RCW and the rules promulgated thereunder,

1 Titles 356 and 358 WAC. Appellant filed a timely appeal with the Personnel Appeals Board on
2 November 26, 2001.

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4 2.2 On September 10, 2001, Appellant injured his ankle and his physician placed him on
5 activity restrictions. As a result, from September 24, 2001 through October 29, 2001, Appellant
6 was on a light duty assignment at Cedar Creek Corrections Center.

7 2.3 Appellant's light duty assignment consisted of updating files for the American Corrections
8 Association (ACA) accreditation process. During this time, Appellant worked the dayshift. His
9 supervisor was Lieutenant Jack Dolman and he received work direction from Dargie Sutton, Office
10 Manager.

11
12 2.4 Appellant worked on October 19, 2001, and was scheduled to be off on October 20 and 21.
13 Appellant was scheduled to attend mandatory training from October 22 through 26. October 27 and
14 28 were Appellant's regularly scheduled days off. He was scheduled to work on October 29, 2001,
15 followed by October 30 and 31 as scheduled days off before he resume his uniformed officer duties
16 on the graveyard shift on November 1, 2001.

17 2.5 Near the end of the dayshift on October 19, 2001, Appellant requested leave for October 29,
18 2001. Ms. Sutton reviewed the request and determined that the ACA project was not completed and
19 that she needed to meet with Appellant so that he could update her on the status of the files. Ms.
20 Sutton recommended to Lt. Dolman that Appellant's request be denied because October 29 was the
21 only day she could meet with Appellant before he resumed his uniformed, graveyard shift position.
22 Ms. Sutton noted on Appellant's leave slip that there was an "institutional need [for Appellant to]
23 finish project started while in light duty assignment."

24
25 2.6 Lt. Dolman agreed with Ms. Sutton's recommendation. Lt. Dolman felt that Appellant had
26 used a lot of leave during his light duty assignment, that the ACA project was a priority assignment,

1 that the project was behind schedule, that there was approximately one month to finish the project
2 and that it was essential for Appellant to update Ms. Sutton on the status of files and the progress he
3 had made on the project.

4 2.7 On October 22, 2001, Lt. Dolman disapproved Appellant's request for leave on October 29.
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6 2.8 On November 26, 2001, Appellant filed an appeal of the denial of the leave request stating
7 that no institutional need existed and that Respondent violated WAC 356-18-110(6) when his
8 request was denied.

9 2.9 WAC 356-18-110 addresses the use of vacation leave and provides for denial of leave
10 requests under certain circumstances. Section 6 of the rules states:

11 When considering requests for vacation leave the employing agency shall give due
12 regard to the needs of the employee but may require that leave be taken when it will
13 least interfere with the work of the agency.

14 **III. ARGUMENTS OF THE PARTIES**

15 3.1 Appellant argues that the ACA project still is not completed and asserts that the project was
16 not a priority and that the institution did not have an institutional need to deny his request.
17 Appellant asserts that his supervisor abused his authority and failed to give his request due respect.
18 Appellant contends that he should have been allowed to take advantage of a "windfall" of five
19 consecutive days off. Appellant argues that the agency violated WAC 356-18-110(6) when his
20 request for leave was denied.

21
22 3.2 Respondent argues that at the time, the institution believed that the ACA project was a
23 priority and that it was critical for Ms. Sutton to be updated on the project. Respondent admits that
24 the communication between Ms. Sutton and Appellant could have been better. Respondent asserts
25 that Lt. Dolman appropriately denied Appellant's request based on the institution's need to have the
26 project completed. Respondent contends that the agency did not act maliciously in denying

Appellant's request. Respondent further contends that the agency acted within its authority in denying Appellant's request for leave.

IV. CONCLUSIONS OF LAW

4.1 The Personnel Appeals Board has jurisdiction over the parties hereto and the subject matter herein.

4.2 In a hearing on appeal of an alleged rule violation, Appellant has the burden of proof. WAC 358-30-170.

4.3 Appellant has failed to prove that Respondent violated WAC 356-18-110(6). The rule allows the agency to deny a leave request for institutional need. Respondent believed that there was an institutional need to deny Appellant's request based on need to complete the ACA project. Appellant has failed to prove that Respondent's actions were contrary to the provisions of the rule. The appeal should be denied.

V. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal Robert Stamey is denied.

DATED this _____ day of _____, 2002.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Walter T. Hubbard, Chair

Gerald L. Morgen, Vice Chair

René Ewing, Member

Personnel Appeals Board
2828 Capitol Boulevard
Olympia, Washington 98504
(206) 586-1481 or SCAN 321-1481